



NOTICE/AGENDA

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES EXECUTIVE COMMITTEE MEETING POSTED AT: www.scdd.ca.gov

This is a teleconference and zoom meeting only. There is no physical location being made available to the public. Per [EXECUTIVE ORDER N-29-20](#), teleconferencing restrictions are waived during the COVID-19 pandemic. Therefore, committee members are not required to list their remote locations and members of the public may participate telephonically or by Zoom from any location. Accessible formats of all agenda and materials can be found online at www.scdd.ca.gov.

JOIN ZOOM MEETING: <https://bit.ly/ExecAugust2020>

MEETING ID: **943 4223 2351**

OR

JOIN BY TELECONFERENCE: (VOICE ONLY)

CALL IN NUMBER: **(888) 475-4499**

MEETING ID: **943 4223 2351, passcode 673599**

DATE: August 11, 2020

TIME: 10:00 AM – 1:00 PM

COMMITTEE CHAIR: Julie Austin

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

Item 4. PUBLIC COMMENTS

This item is for members of the public only to provide comments and/or present information to the Committee on matters not on the agenda. Each person will be afforded up to three minutes to speak.

Item 5. APPROVAL OF JUNE 2020 MINUTES

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All

Item 6. EXECUTIVE DIRECTOR REPORT

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Aaron Carruthers, Executive Director

Item 7. SCDD BUDGET UPDATE

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Douglas Sale, Deputy Director of Administration

Item 8. EXECUTIVE DIRECTOR EVALUATION TOOL AND TIMELINE

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Douglas Sale, Deputy Director of Administration

Item 9. ESTABLISH SLATE FOR NOMINATING COMMITTEE

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All

Item 10. CONFLICT OF INTEREST WAIVER REQUESTS

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*Aaron Carruthers, Executive Director**A. Ivette Arriaga, North Los Angeles County Regional Center**B. Angelina Martinez, North Los Angeles County Regional Center*

Item 11. ADJOURNMENT AND NEXT MEETING DATE

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The next meeting of the Executive Committee will be on October 20, 2020.

Accessibility:

Pursuant to Government Code Sections 11123.1 and 11125(f) and Executive Order N-29-20 (this Executive Order can be found by clicking the link on page one of the agenda or typing <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf> into your web browser), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Charlotte Endres at (916) 263-8184 or charlotte.endres@scdd.ca.gov. Please provide at least 3 business days prior to the meeting to allow adequate time to respond to all requests.

All times indicated and the order of business are approximate and subject to change.

AUGUST 11, 2020

**AGENDA ITEM 5
ACTION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

Approval of June 2020 Minutes

Minutes from the June 16, 2020 Executive Committee meeting are included in the packet for review. Committee members will vote on whether to approve the minutes.

Action Recommended

Approve the June 2020 Minutes.



DRAFT

Executive Committee Meeting Minutes

June 16, 2020

Members Attending

Jeana Eriksen (S.A.)
Julie Austin (F.A.)
Kara Ponton (S.A.)
Kilolo Brodie (F.A.)
Lee Bycel (F.A.)
Maria Marquez (S.A.)
Wesley Witherspoon (S.A.)

Members Absent

N/A

Others Attending

Aaron Carruthers
Adam Lewis
Beth Hurn
Charlotte Endres
Cindy Smith
Douglas Sale
Robin Maitino-Erben

1. CALL TO ORDER

Executive Committee Chair Julie Austin called the meeting to order at 10:04 A.M.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Members and others in attendance introduced themselves.

4. PUBLIC COMMENTS

There were no public comments.

5. APPROVAL OF THE APRIL 2020 MEETING MINUTES

It was moved/seconded (Witherspoon [S.A.]/Marquez [S.A.]) and carried to approve the April 2020 meeting minutes. (Unanimous)

Legend:

SA = Self-Advocate
FA = Family Advocate

N/A = not available
DNP = Did Not Participate

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6. EXECUTIVE DIRECTOR REPORT

Executive Director Aaron Carruthers provided Committee members with an oral report on his recent activities and some of the priorities for the State Council.

Since the last Council meeting in May, SCDD has partnered with the Governor's Office of Emergency Services and advocated that Personal Protective Equipment (PPE) should be made available to all direct service providers. 2 million pieces of PPE were ordered in the first round, an additional 4 million pieces were on the second order, and 9 million pieces were ordered on the third round. Staff have been hard at work to distribute PPE to everyone that needs it. We have received paper masks, cloth masks, face shields and hand sanitizer, but gloves have not become available yet.

Regarding the Neighbor-to-Neighbor campaign, CalVolunteers launched the campaign the week before the June Executive Committee meeting. SCDD expects additional partnership documents to be released soon: one will be for care providers, one will be about tips for people with I/DD to stay safe during COVID, and one is a 'healthcare passport' form that can be filled in and provided to an individual's doctor.

In preparation for the 30th anniversary of the ADA (Americans with Disabilities Act), the Council has sent letters to the Governor advocating for employment opportunities for people with I/DD and highlighting the opportunity for the Governor to set a new precedent for the next thirty years. The Council also plans to distribute more information about the anniversary of the ADA in the coming weeks.

Under Legislative and policy items, DDS waived some requirements and released guidelines regarding early intervention and early education. The Council wrote a letter, joined by 350 organizations, advocating that PPE be available to anyone upon request. The Council also sponsored a bill to clean up the language around authorized representation and continued to advocate for the Paid Internship Program (PIP) for people with I/DD that want to work as a state employee; we are working to extend the expiration date for this program. Additionally, the State Budget was passed on June 15th, although the Legislature and the Governor were not in agreement about it. They will continue negotiations and pass a budget that the Governor will sign in the future.

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The Council has been asked to submit an interim report about the status of the Self-Determination Program (SDP). The Statewide Self-Determination Advisory Committee (SSDAC) met on June 9th and worked in breakout groups to address barriers to the SDP and potential solutions to those barriers.

SCDD is grateful that we are having conversations about racial justice and recent protests throughout California and the rest of the country. SCDD staff produced a plain language document that addresses some of these issues so that more people can learn about what is happening. We are also encouraging everyone to spend some time on June 19th reflecting on freedom and liberation in celebration of the Juneteenth holiday.

There has been a vacancy in the SCDD headquarters office for the Deputy Director of Regional Office Operations. The position has been posted and SCDD is actively recruiting for that. Additionally, SCDD Legal Counsel Adam Lewis will be leaving the Council staff to take a new position in San Diego at the beginning of July.

7. APPROVAL OF THE EMPLOYMENT FIRST COMMITTEE (EFC) ANNUAL REPORT

Employment First Committee Chair Wesley Witherspoon presented the 2019 EFC Annual Report for committee members to review and approve on behalf of the full Council. As required by the Lanterman Act, the EFC is convened by the Council and submits a report to the Legislature every year to report on their recommendations and the activities they accomplished.

It was moved/seconded (Bycel [F.A./Marquez [S.A.] and carried to approve the 2019 Employment First Committee Annual Report.
(Unanimous)

8. SCDD BUDGET UPDATE

Deputy Director of Administration Douglas Sale presented a budget update for Executive Committee members. He discussed the expenditures that were reported through April of this year. Most notably, SCDD has been running under budget, and has seen a significant reduction in spending as a result of travel being restricted. We continue to have a low vacancy rate and are in the process of filling two of the vacant positions. We anticipate ending the fiscal year within budget.

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9. **SPONSORSHIP REQUEST**

Committee members reviewed a sponsorship request from the Special Needs Resource Foundation of San Diego (SNRFSD). SNRFSD requested funding in the amount of \$1,000 to cover some of the costs for their third annual All-Inclusive Day of Play and Resource Fair. The funds would be used for promotion, signage, fliers and banners for the event.

It was moved/seconded (Eriksen [S.A.]/Marquez [S.A.]) and carried to approve the sponsorship request for Special Needs Resource Foundation of San Diego. (Unanimous)

10. **EXECUTIVE DIRECTOR EVALUATION TOOL AND TIMELINE**

The State Council performs an evaluation of the Executive Director every year. Deputy Director Sale presented the evaluation tool documents and reviewed the evaluation timeline for committee members to consider. The Council would be informed at the July or September Council meeting that the Councilmember portion of the evaluation would be sent out to everyone and they will then have three weeks to send their documents back to SCDD. Committee members discussed whether to include stakeholders in the evaluation and that the Council can likely evaluate the Executive Director with a simple, straightforward process. According to guidelines from the Administration on Community Living (ACL), Council staff should not be involved in the process. It was mentioned that the Committee should consider the possibility of removing the part of evaluation about how the Executive Director interacts with his staff. The Committee also discussed the importance of gaining full participation in the process from all Councilmembers. At the end of the discussion, this agenda item was tabled until the next meeting of the Executive Committee in August.

11. **DISCUSSION: COVID-19 IMPACT ON THE COUNCIL**

In an effort to keep up with current events and issues related to the coronavirus crisis, Committee members engaged in a discussion to address some of the concerns that have been arising in the I/DD community. The Committee discussed the Council's response to the COVID-19 pandemic, including the actions taken to provide Councilmembers with technological means to participate in remote meetings. Executive Director Carruthers reported that tablets were donated to the Council by a partner agency, and a data plan was

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purchased to allow internet access. Chair Julie Austin expressed gratitude to staff for quickly and efficiently shifting to remote work and prioritizing safety and education policy in response to the health crisis.

Committee members discussed how the COVID-19 pandemic has impacted them, with members reporting isolation, loss of family members, and difficulties obtaining the in-home supports that they require.

In discussing the impact of the pandemic on the I/DD community, Committee members identified isolation and mental health as areas in which the Council could provide additional supports. The Committee recognizes that members of the I/DD community are at risk for abuse and neglect and that many will need mental health support to deal with the effects of isolation and grief. Executive Director Carruthers will reach out to ARCA to determine if Regional Centers have created support groups, and staff will produce a one-page resource on how to access mental health services through regional centers or outside of the regional centers so that it speaks to the community broadly.

In addition to the ongoing health crisis, Committee members also expressed interest in discussing how the current social and political climate has affected Councilmembers and their communities. Members recognize that the protests surrounding the death of George Floyd and the deployment of the National Guard to their communities have caused stress and fear for many. Therefore, it was suggested that the Committee's conversation be continued at a future date with a broader reach to the community.

It was moved/seconded (Bycel [F.A.]/Witherspoon [S.A.]) and carried to approve that the Executive Committee should work to convene a special meeting of Councilmembers and staff, with the theme of "a timely conversation living in the challenging times of a global pandemic, racial, social, and economic upheaval, and personal stress." (Unanimous)

12. NEXT MEETING DATE & ADJOURNMENT

The next Executive Committee meeting will be held on August 11, 2020. Meeting adjourned at 1:11 P.M.

AUGUST 11, 2020

**AGENDA ITEM 6
INFORMATION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

Executive Director Report

Executive Director Aaron Carruthers will provide Committee members with a report regarding recent Council activities and upcoming goals.

AUGUST 11, 2020

**AGENDA ITEM 7
INFORMATION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

SCDD BUDGET UPDATE

Deputy Director of Administration Douglas Sale will provide Committee members with an update on the Council budget.

Attachments:

- 1 - Budget Cover Page
- 2 - Budget Projections Summary
- 3 - Approved 2019-2020 SCDD Budget & Reallotment
- 4 - Budget Line Item Summaries
- 5 - June Preliminary Statement of Activities



SFY 19/20 Budget Update Cover Page

The package before the Committee includes the budget expenditure report and statement of activities for State Fiscal Year (SFY) 2019/20 expenditures through June 2020, and a description of the budget line items. This is not the final year-end budget expenditure report as it does not include expenditures posted in July 2020 prior to the official “year-end close.” The final year-end report will be provided at the October Committee meeting. As a reminder, on May 21, 2019, the Council approved the SFY 2019/20 BSG budget.

Methodology

Personal Services

The Department of Finance requires all state departments to fully fund their authorized staff positions in the State Budget. Therefore, Personal Services line items reflect all BSG authorized positions filled for the entire year, resulting in no difference from the original BSG budget.

Operating Expense and Equipment (OE&E)

The OE&E line items are based on the actual expenditures from prior SFYs, taking into considerations trends upward or downward.

Calculation of Total BSG Award

Because the Council approves the BSG budget on the SFY (July-June) and federal BSG funds are awarded on the Federal Fiscal Year (FFY) (October-September), the SFY 2019/20 budget reflects 3 months of FFY 2019 funding (July-September) and 9 months of FFY 2020 funding (October-June). On 9/5/19, California received a \$207,213 reallotment award. This award is being applied fully to SFY 2019/20 and is identified as unallocated items. On 1/31/2020 California received its full grant award of \$7,521,523 for FFY 2020.

Difference Between Council Budget & BSG Award

This represents the combined budgeted amounts for Personal Services, OE&E and Community Grants subtracted by the Total BSG Award. The approved SFY 2019/20 budget is \$7,675,000 and the BSG Award plus the Reallotment award is \$7,687,837 for a projected budget surplus of \$12,837.

Prior Year Unexpended Funds

Prior year unexpended funds primarily result from Personal Services savings due to vacant positions and from OE&E and Community Grantee expenditures that are not paid by June 30.

Current Year Unexpended Funds

The current year unexpended funds total is the sum of all projected savings to the Personal Services, OE&E and Unallocated line items.

State Council on Developmental Disabilities
Council Report for FY 19/20

FEDERAL GRANT (BSG)

Based on State Fiscal Year

July 1 through June 30

	Annual Grant Award	Monthly Expenditure	Year-To-Date Expenditure	Balance	BSG
Personal Services & Benefits	\$5,483,000	\$420,364	\$5,342,092	\$140,908	# Positions 46 # Vacancies 5
Operating Expenses	\$1,742,000	\$81,495	\$1,873,167	\$(131,167)	
Program Development Grants	\$450,000	\$101,900	\$459,509	\$(9,509)	
Unallocated Funds	\$207,213	\$0	\$18,405	\$188,808	
	\$7,882,213	\$603,759	\$7,693,173	\$189,040	Vacancy % 11%

QUALITY ASSESSMENT (QA)

Based on State Fiscal Year

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July 1 through June 30

	Contract Amount	Monthly Expenditure	Year-To-Date Expenditure	Balance	QA
Personal Services & Benefits	\$2,060,000	\$164,368	\$1,912,658	\$147,342	# Positions 18 # Vacancies 1
Operating Expenses	\$1,228,000	\$43,604	\$1,122,271	\$105,729	
	\$3,288,000	\$207,972	\$3,034,929	\$253,071	

CRA/VAS

Based on State Fiscal Year

July 1 through June 30

	Contract Amount	Monthly Expenditure	Year-To-Date Expenditure	Balance	CRA/VAS
Personal Services & Benefits	\$1,368,000	\$104,449	\$1,381,155	\$(13,155)	# Positions 12 # Vacancies 1
Operating Expenses	\$472,000	\$20,530	\$521,527	\$(49,527)	
	\$1,840,000	\$125,029	\$1,902,682	\$(62,682)	

Total
Positions 76
Vacancies 7
Vacancy % 9%

Updated 7/30/20

State Council on Developmental Disabilities
State Council Budgeted Base
Fiscal Year 2019-20 Budget

Categories	Basic State Grant (BSG)	Client's Rights Advocates/ Volunteer Advocacy	Quality Assessment	TOTAL
	Federal Grant	State Reimbursement	State Reimbursement	
1. Personal Services				
Net Salaries & Wages	\$3,469,000	\$927,000	\$1,393,000	\$5,789,000
Temporary Help / Honorarium	\$87,000	\$0	\$0	\$87,000
Worker's Compensation	\$55,000	\$5,000	\$3,000	\$63,000
Staff Benefits	<u>\$1,872,000</u>	\$436,000	\$664,000	\$2,972,000
Total Personal Services	<u>\$5,483,000</u>	<u>\$1,368,000</u>	<u>\$2,060,000</u>	<u>\$8,911,000</u>
2. Operating Expense and Equipment				
General Expense	\$75,000	\$75,000	\$55,000	\$205,000
Printing	\$45,000	\$9,000	\$245,000	\$299,000
Communications	\$100,000	\$25,000	\$10,000	\$135,000
Postage	\$20,000	\$14,000	\$380,000	\$414,000
Travel In-State	\$335,000	\$64,000	\$40,000	\$439,000
Travel Out-of-State	\$20,000	\$0	\$0	\$20,000
Training (Tuition & Registration)	\$10,000	\$1,500	\$2,000	\$27,000
Facilities Operations (Rent)	\$600,000	\$24,000	\$245,000	\$869,000
Utilities	\$6,000	\$0	\$2,000	\$8,000
Interdepartmental Services	\$411,000	\$134,000	\$156,000	\$701,000
External Contract Services	\$75,000	\$3,000	\$3,000	\$81,000
Data Processing (Software, licenses, etc.)	\$15,000	\$18,000	\$10,000	\$43,000
Statewide Cost Allocation Plan (SWCAP)	\$25,000	\$0	\$0	\$25,000
Other Items of Expense	<u>\$5,000</u>	<u>\$91,000</u>	<u>\$80,000</u>	<u>\$176,000</u>
Total Operating Expense and Equipment	<u>\$1,742,000</u>	<u>\$472,000</u>	<u>\$1,228,000</u>	<u>\$3,442,000</u>
3. Community Grants	<u>\$450,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$450,000</u>
4. Total Council Budget (1 + 2 + 3)	<u>\$7,675,000</u>	<u>\$1,840,000</u>	<u>\$3,288,000</u>	<u>\$12,803,000</u>
5. Total Basic State Grant Award	\$7,480,624			
6. Reallotment Award Received 9/4/19	\$207,213			
7. Total BSG Award + Reallotment Award	\$7,687,837			
8. Difference between Total Council Budget and Basic State Grant Award + Reallotment Award	\$12,837			
9. Prior Year's Unexpended Balance as of December 31, 2019	\$2,130,280			

State Council on Developmental Disabilities

Council Report for FY 19-20

June-20

FEDERAL GRANT (BSG)	Budgeted Base	Current Month Expenditure	YTD Expenditure	Remaining Balance	Remaining Percentage
PERSONAL SERVICES (PS & PB)	5,483,000	420,364	5,342,092	140,908	2.6%
Salaries & Wages w/ Benefits					
OPERATING EXPENSE (OE&E)					
General Expense (Meeting/Conf)	75,000	1,706	118,345	(43,345)	-57.7%
Printing	45,000	365	17,906	27,094	62.0%
Communications	100,000	1,003	82,629	17,371	17.4%
Postage	20,000	662	27,650	(7,650)	-38.5%
Travel-in-State :	335,000	1,378	304,240	30,760	9.2%
Out-of-State Travel	20,000	-	1,303	18,697	93.5%
Training (Tuition and Registration)	10,000	165	8,015	1,985	19.9%
Facilities Operations (Rent)	600,000	45,171	553,172	46,828	7.8%
Facilities Ping/Maint. & Utilities	6,000	199	4,656	1,344	22.4%
Interdepartmental Services	411,000	20,472	502,354	(91,354)	-22.2%
External Contract Services	75,000	55,473	130,646	(55,646)	-74.2%
Data Processing (Software, Supplies & Misc.)	15,000	905	43,526	(28,526)	-190.2%
SWCAP	25,000	-	25,000	-	0.0%
Other Items/ Client Services	5,000	(46,004)	53,725	(48,725)	-974.5%
Subtotal OE&E	1,742,000	81,495	1,873,167	(131,167)	-7.5%
Unallocated Funds	207,213	0	18,405	188,808	91.1%
PROGRAM DEVELOPMENT GRANTS	450,000	101,900	459,509	(9,509)	-2.1%
TOTAL	7,882,213	603,759	7,693,173	189,040	2.4%

Quality Assessment (QA)	Budgeted Base	Current Month Expenditure	YTD Expenditure	Remaining Balance	Remaining Percentage
PERSONAL SERVICES (PS & PB)					
Salaries & Wages w/ Benefits	2,060,000	164,368	1,912,658	147,342	7.2%
OPERATING EXPENSE (OE&E)					
General Expense (Meeting/Conf)		1,821	70,072	(15,072)	-27.4%
Printing	245,000	4,111	271,673	(26,673)	-10.9%
Communications	10,000	-	17,447	(7,447)	-74.5%
Postage	380,000	11,991	131,509	248,491	65.4%
Travel-in-State :	40,000	52	25,441	14,559	36.4%
Training (Tuition and Registration)	2,000	-	1,193	807	40.4%
Facilities Operations (Rent)	245,000	17,496	239,389	5,611	2.3%
Facilities Plng/Maint. & Utilities	2,000	199	2,362	(362)	-18.1%
Interdepartmental Services	156,000	2,623	238,542	(82,542)	-52.9%
External Contract Services	3,000	3,296	4,712	(1,712)	-57.1%
Data Processing (Software, Supplies & Misc.)	10,000	1,936	26,246	(16,246)	-162.5%
Other Items/ Client Services	80,000	79	93,685	(13,685)	-17.1%
Subtotal OE&E	1,228,000	43,604	1,122,271	105,729	8.6%
TOTAL	3,288,000	207,972	3,034,929	253,071	7.7%

Client's Rights Advocates/ Volunteer Advocacy Services (CRA/VAS)	Budgeted Base	Current Month Expenditure	YTD Expenditure	Remaining Balance	Remaining Percentage
PERSONAL SERVICES (PS & PB)	1,368,000	104,499	1,381,155	(13,155)	-1.0%
Salaries & Wages w/ Benefits					
OPERATING EXPENSE (OE&E)	75,000	617	7,934	67,066	89.4%
General Expense (Meeting/Conf)	9,000	-	20,451	(11,451)	-127.2%
Printing	25,000	-	6,501	18,499	74.0%
Communications	14,000	-	1,155	12,845	91.8%
Postage	64,000	-	34,495	29,505	46.1%
Travel-in-State :	15,000	-	6,960	(5,960)	-596.0%
Training (Tuition and Registration)	24,000	4,269	52,931	(28,931)	-120.5%
Facilities Operations (Rent)	134,000	2,564	178,375	(44,375)	-33.1%
Interdepartmental Services	3,000	-	23,107	(6,107)	-35.9%
External Contract Services	18,000	1,640	53,412	(35,412)	-196.7%
Data Processing (Software, Supplies & Misc.)					
Other Items/ Client Services	91,000	11,440	133,702	(42,702)	-46.9%
Subtotal OE&E	472,000	20,530	521,527	(47,023)	-10.0%
TOTAL	1,840,000	125,029	1,902,682	(62,682)	-3.4%



SFY 19/20 EXPENDITURE REPORTS STATEMENT OF ACTIVITIES AND PROJECTIONS

This is a narrative description of the preliminary year-end expenditure reports, which are attached. It is important to understand that these projections are based on an analysis of expenditure data at a specific point in time-June 2020-and are subject to change. SFY 19/20 expenditures will continue to be processed through July and the final year-end expenditure reports will be presented at the October Committee meeting.

SFY 2019/20 BSG Expenditures and Unexpended Funds

Total BSG award including a reallocation award received in September 2019 was \$7,687,837, (\$18,405 less than anticipated due to a 1% rescission to provide migrant healthcare services at the border). The Council added \$190,000 in SFY 18/19 carryforward dollars to the Program Development Grants line item making the total SFY 19/20 budget \$7,882,213. With 0% of the SFY remaining, total expenditures of \$7,693,173 reflect a remaining balance of \$189,040 (2.4%). The remaining balance does not reflect outstanding encumbrances that have not yet been paid. The final unexpended SFY 2019/20 carryforward amount will be provided with the 2nd Quarter SFY 2020/21 expenditure report.

- **Personal Services:** With 0% of the SFY remaining, total expenditures of \$5,342,092 reflect a remaining balance of \$140,908 (2.6%). Staff projected this line item would be fully expended but the salary savings from these vacancies resulted in the savings. The vacancy rate of 11% is slightly higher than the staff projection of less than 10%. There are three vacancies in headquarters (IT Analyst, Deputy Director of Planning and Regional Office Operations, and Attorney III) and two vacancies in the field (Office Technician). Staff projects the Deputy Director and Attorney positions will be filled by the October Committee meeting.

OE&E: With 0% of the SFY remaining, total expenditures of \$1,873,167 reflect a deficit balance of \$-131,167 (7.5% overspent). Due to Fi\$Cal implementation delays, DSS Accounting failed to post \$500,000 of SFY 2018/19 expenditures timely. This resulted in significant savings in SFY 2018/19 line items such as Interdepartmental Services, External Contract Services and Data Processing. DSS Accounting has posted these SFY 2018/19 expenditures to SFY 2019/20 line items. This has resulted in significant over-expenditures in the Interdepartmental Services, External Contract Services, Data Processing, and Other Items line items. The unexpected savings in SFY 2018/19 are offset by the unexpected over-expenditure in SFY 2019/20. Excluding the Interdepartmental Services, External Contract Services, Data Processing, and Other Items over-expenditures from the year-end report results in OE&E expenditures being only \$4,366 over budget.

- **Community Grants:** With 0% of the SFY remaining, total expenditures of \$459,509 reflect a deficit balance of \$-9,509 (2.1% overspent). This is also caused by the delay in posting SFY 2018/19 grant expenditures. In SFY 2018/19, the total Cycle 41 grant expenditures were \$28,626 with a remaining balance of \$211,374 (88.1%). The remaining Cycle 41 grant expenditures were charged to SFY 2019/20 in addition to the Cycle 42 grants, which began 10/1/2019. Staff took this into account and projected this line item would be almost fully expended.

- Unallocated: There is an unallocated line item of \$207,213 due to the reallocation award received in September 2019. The \$18,405 charge is for the 1% rescission to provide migrant healthcare services at the border. This line item will be used to cover the remaining expenditures before the SFY 2019/20 year is closed in August.
- Unexpended Funds Available for the Council to Spend: In February 2020, the Committee agreed to increase the carryforward reserve to \$1,750,000 and also decided not to forward any recommendations to the Council for one-time spending. With the ongoing COVID-19 economic downturn, staff recommends the Committee not consider any new expenditures until the full impact on the BSG budget is known.

SFY 19/20 Quality Assurance (QA) Reimbursements from DDS

Total QA dollars available are \$3,288,000. With 0% of the SFY remaining, total reimbursements from DDS for QA Program expenses reflect a remaining balance of \$253,071 (7.7%).

- Personal Services: With 0% of the SFY remaining, total expenditures of \$1,912,658 reflect a remaining balance of \$147,342 (7.2%). The vacancy rate remains at 6%. This vacancy is not negatively impacting SCDD's ability to meet the QA contract deliverables.
- OE&E: With 0% of the SFY remaining, total expenditures of \$1,122,271 reflects a remaining balance of \$105,729 (8.6%). The largest savings occurred in the Postage (65.4% remaining), and n-State Travel (36.4% remaining). The DSS Accounting posting delays are impacting QA as well. Since the April expenditure report, OE&E expenditures went from 10.1% underspent to 8.6% overspent. The Interdepartmental Contracts line item went from 22.7% underspent to 52.9% overspent. This is due to two years of charges being posted. Other line items overspent are General Expense (27.4% overspent), Communications (74.5% overspent), Data Processing (162.5% overspent) and Other Items of Expense (17.1% overspent).

SFY 19/20 Client's Rights Advocates/Volunteer Advocacy Services (CRA/VAS) Reimbursements from DDS

Total CRA/VAS dollars available are \$1,840,000. With 0% of the SFY remaining, total reimbursements from DDS for CRA/VAS Program expenses reflect a deficit balance of \$-62,282 (-3.4%).

- Personal Services: With 0% of the SFY remaining, total expenditures of \$1,172,072 reflects a remaining balance of \$-13,155 (1.0% overspent). There is one vacancy due to retirement. The retiree cashed out their accrued leave balance resulting in the slight over-expenditure.
- OE&E: With 0% of the SFY remaining, total expenditures of \$521,527 reflects a remaining balance of \$-47,023 (10.0% overspent). The DSS Accounting posting delays are impacting CRA/VAS as well. Since the April expenditure report, OE&E expenditures went from 21.0% underspent to 10% overspent. Printing went from 49.9 underspent to 27.2 overspent. Facilities Operations went from 67.7 overspent to 120.5% overspent. Data Processing went from 48.7% overspent to 196.7% overspent.

Staff projects that DDS will reimburse SCDD for the over-expenditure due to the fact that they recognize the accounting errors and acknowledge that the SFY 2018/19 reimbursements were abnormally low with 17.1% of available funds remaining for that year.

AUGUST 11, 2020

**AGENDA ITEM 8
ACTION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

EXECUTIVE DIRECTOR EVALUATION TOOL AND TIMELINE

At the June 2020 Executive Committee meeting, the Executive Director Evaluation Tool and Timeline was presented to Committee members. The Committee elected to table the discussion and pick it up again at their next upcoming meeting. Therefore, Deputy Director of Administration Doug Sale will present a draft of the Executive Director (ED) Evaluation documents and a revised timeline for the 2019/2020 evaluation. Committee members will review the documents, discuss the process for the evaluation and vote on whether to move forward so that the full Council may approve the process at its September 15, 2020 meeting.

Attachments

- A) ED Self-Evaluation Report to the Council
- B) 2020 Council ED Evaluation Tool
- C) 2020 Proposed ED Evaluation Timeline

Actions Recommended

Approve the draft documents for the 2019/20 Executive Director Evaluation tool and timeline.



Executive Director Self-Evaluation Report to the Council

A summary of activities performed during
Fiscal Year 2020
(July 1, 2019 - June 30, 2020)

A. POLICY DEVELOPMENT, PLANNING AND COORDINATION

Council Support and Communication

Task Areas

- A1.** Keeps the Council informed about state and federal laws impacting the rights of individuals with intellectual and developmental disabilities.
- A2.** Keeps the Council informed about headquarter and regional office activities and needs.
- A3.** Notifies the Council of any pending or emerging issues related to Council programs, policy and administrative matters.
- A4.** Provides training to Council members on statutory responsibilities under federal and state law.
- A5.** Works with Council leadership to develop meeting agendas, materials and presentations.

Activities Performed

DRAFT

B. POLICY DEVELOPMENT AND ADVOCACY

Advocacy

Task Areas

- B1.** Ensures development and implementation of the Council's State Plan.
- B2.** Develops, recommends, and represents the Council's positions that positively affect the rights and interests of individuals with intellectual and/or developmental disabilities.

External Relations

- B3.** Maintains effective relationships, and acts as a liaison with Disability Rights California, the University Centers for Excellence and the National Association of Councils on Developmental Disabilities.
- B4.** Maintains effective relationships with disability groups and other people and organizations interested in disability issues.
- B5.** Represents the Council to the Governor's Office, Legislature and other federal, state, and local agencies.
- B6.** Maintains effective relationships between the Council and state and federal agencies that provide funding to the Council.
- B7.** Serves as a spokesperson for the Council.

Activities Performed

C. GENERAL ADMINISTRATION AND MANAGEMENT

Program Administration and Planning

Task Areas

- C1.** Manages day-to-day operations of the Council.
- C2.** Ensures Council's compliance with state and federal laws.
- C3.** Hires, supervises, trains and evaluates staff.
- C4.** Effectively uses money and staff resources to achieve Council goals.

Fiscal

- C5.** Develops and manages the Council's annual budget.
- C6.** Develops and maintains ways to track spending and makes recommendations about funding, or spending, problems.
- C7.** At each meeting, provides the Council with information about funding, spending and any fiscal concerns.

Personnel Management

- C8.** Mentors and builds the skills of Council staff.
- C9.** Supports the development of effective teamwork among Council staff.
- C10.** Demonstrates sensitivity and good judgment when working with Council staff.

Activities Performed

D. 2020 GOALS FROM THE FY 2019 EVALUATION REPORT

D1. Provide an educational activity or presentation about regional office activities to better inform Council member's work at each Council meeting.2020 Goals.

Activities Performed

D2. Work with the Council to identify programmatic and administrative benchmarks which will help the Council better understand the administrative and programmatic trends.

Activities Performed

D3. Increase the ED and SCDD presence and influence with DDS, ARCA and policy makers as a way of ensuring a seat at the table and promoting the SCDD values and vision.

Activities Performed

D4. Continue to develop and mentor Council staff. In 2020 identify and implement strategies to address conflict management and one other area noted by CSUN for development e.g. workload, overall morale and planning and decision making.

Activities Performed

D5. To assist the Council in carrying out its evaluation, arrange for another third-party survey of staff in 2020 prior to the ED evaluation and propose a tool and method of surveying a group of stakeholders e.g. community members, other disability groups, partners and legislative stakeholders about the Council's work.

Activities Performed

D6. Continue to support and actively engage Council members and leadership in all areas of focus including the State Plan, collaborative partners, educational activities, and new initiatives identified by the Council.

Activities Performed

D7. Keep the Council informed of 2022-2026 State Plan Development input at each Council meeting.

Activities Performed

E. EXECUTIVE DIRECTOR SELF-REFLECTION

E1. For the different task areas of my position:

i. What went well this year?

ii. What could have gone better? Why? How?

E2. What are interests/skills that I want to develop this upcoming year? How will I go about developing them? What assistance do I need?

E3. What goals/objectives do I have for the upcoming year?

E4. What elements of my job do I find most difficult?

E5. What elements of my job interest me the most, and the least?

E6. What feedback do I have for the Council? Do I have suggestions for better communication, management, priority setting, collaboration, or staff development?



Executive Director Evaluation Tool

Fiscal Year 2020
(July 1, 2019 - June 30, 2020)

Approved
XXXXXX Council Meeting

**STATE COUNCIL ON DEVELOPMENTAL
DISABILITIES
2020 EXECUTIVE DIRECTOR
EVALUATION SUMMARY**

The Developmental Disabilities Assistance and Bill of Rights Act of 2000 (federal DD act) requires that the Executive Director of the Council be evaluated on an annual basis. The annual evaluation consists of the Council's consideration of: 1) The Executive Director's Self-Evaluation Report to the Council; and 2) 2020 Goals adopted by the Council from the prior year's Executive Director Evaluation.

The process for evaluating the Executive Director is:

1. The Executive Director will submit a self-evaluation report that will include the following:
 - A summary of the activities performed in the three major task areas of the Executive Director's duty statement;
 - A summary of the activities performed in addressing the Council's 2020 Goals from the prior year's evaluation; and
 - A self-reflection that summarizes what went well, what could have gone better, the goals and objectives for the next year, concerns and feedback for the Council.
2. The Council will utilize a non-staff third party with expertise in State personnel policies to oversee and manage the Executive Director Evaluation. The third party will oversee the distribution of the evaluation questions to the Council, collect and tabulate the evaluation results, aggregate written comments to prepare the report, share the responses with the Chairperson, and inform the Chairperson of completion and results.
3. The Executive Director's Self-Evaluation report is incorporated into the evaluation tool. Once completed,

members must return the evaluation to the third party engaged to collect and compile response data.

4. Each evaluation is logged onto a worksheet and summarized by the third party engaged to collect and compile the response data.
5. The third party will prepare a summary report of the data and provide it to the Chairperson.
6. The Chairperson with the assistance of the third party, if desired, will present the summary report along with evaluation materials, statistical data, the Goals and Priorities from the prior year's evaluation, and all other information to the Executive Committee during a closed session. The Executive Committee will approve a draft 2020 Executive Director Evaluation report and recommendation(s) to be considered by the full Council.
7. The Executive Committee with the assistance of the third party, if desired, will present the draft 2020 Executive Director Evaluation report and recommendation(s) to the full Council during a closed session. The Council will approve the final Executive Director Evaluation report and recommendation(s).
8. In open session, the Executive Director and Council then meet to discuss salary/bonus, etc., if applicable.



State Council on Developmental Disabilities 2020 Executive Director Evaluation Questions

DIRECTIONS: For each numbered item below, please provide your rating regarding the Executive Director's performance of each task area by selecting one of the following:

RATING CATEGORY	MEANING
Exceeds expectation	Performance consistently exceeds standards
Meets expectation	Performance fully meets standards
Needs Improvement	Improvement needed for performance to meet standards

You may, but are not required to, provide comments on the Executive Director's performance of each task area. If sending your responses in paper form, you may attach additional pages for your comments, if needed.

*** PLEASE NOTE YOUR RESPONSES WILL REMAIN ANONYMOUS ***

A. Policy Development, Planning and Coordination

Council Support and Communication

A1. The Executive Director keeps the Council informed about state and federal laws impacting the rights of individuals with intellectual and developmental disabilities.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments

A2. The Executive Director keeps the Council informed about headquarter and regional office activities and needs.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

A3. The Executive Director notifies the Council of any pending or emerging issues related to Council programs, policy and administrative matters.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

A4. The Executive Director provides training to Council members on statutory responsibilities under federal and state law.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

A5. The Executive Director works with Council leadership to develop meeting agendas, materials and presentations.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments

B. Policy Development and Advocacy

Advocacy

B1. The Executive Director ensures development and implementation of the Council's State Plan.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

B2. The Executive Director develops, recommends, and represents the Council's positions that positively affect the rights and interests of individuals with intellectual and/or developmental disabilities.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

External Relations

B3. The Executive Director maintains effective relationships, and acts as a liaison with Disability Rights California, the University Centers for Excellence and the National Association of Councils on Developmental Disabilities.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

B4. The Executive Director maintains effective relationships with disability groups and other people and organizations interested in disability issues.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

B5. Represents the Council to the Governor's Office, Legislature and other federal, state, and local agencies.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

B6. The Executive Director maintains effective relationships between the Council and state and federal agencies that provide funding to the Council.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments

B7. The Executive Director serves as a spokesperson for the Council.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments

C. General Administration and Management

Program Administration and Planning

C1. The Executive Director manages day-to-day operations of the Council.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

C2. The Executive Director ensures Council's compliance with state and federal laws.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

C3. The Executive Director hires, supervises, trains and evaluates staff.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

C4. The Executive Director effectively uses money and staff resources to achieve Council goals.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

Fiscal

C5. The Executive Director develops and manages the Council's annual budget.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

C6. The Executive Director develops and maintains ways to track spending and makes recommendations about funding, or spending, problems.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

C7. At each meeting the Executive Director provides the Council with information about funding, spending and any fiscal concerns.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

Personnel Management

C8. The Executive Director mentors and builds the skills of Council staff.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

C9. The Executive Director supports the development of effective teamwork among Council staff.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments
-
-

C10. The Executive Director demonstrates sensitivity and good judgment when working with Council staff.

- ☐ Exceeds expectation
 - ☐ Meets expectation
 - ☐ Needs improvement
 - ☐ Do not have enough information to form an opinion
- Comments

D. Council 2020 Goals from the 2019 Evaluation Report

D1. The Executive Director's responses satisfactorily addressed the Council's 2020 Goals in the 2019 evaluation report.

☐ Yes

☐ No

Comments

2020 EXECUTIVE DIRECTOR EVALUATION TIMELINE

DATE	ACTION
August 2020	<ul style="list-style-type: none"> • Council Chair presents E.D. evaluation process and timeline to the Executive Committee for consideration at the August 11, 2020 Executive Committee meeting. • Executive Committee approves E.D. evaluation process and timeline. • E.D. begins work on self-evaluation report on August 15, 2020.
September 2020	<ul style="list-style-type: none"> • Council is notified of the E.D. evaluation process, timeline and third party at the September 15, 2020 Council meeting. • Deadline for submission of E.D. self-evaluation report to the third party is September 4, 2020. Third-party sets up online evaluation survey to include the E.D. self-evaluation report and the evaluation tool. • Third-party distributes the E.D. evaluation report and survey tool electronically and, if requested, via U.S. mail to Council Members no later than September 18, 2020. • Council Chair meets with E.D. to discuss self-evaluation report.
October 2020	<ul style="list-style-type: none"> • Deadline for completion of evaluation survey by Council Members is October 9, 2020. • Third-party collects and tabulates the survey results, aggregates written comments to prepare report based on responses and provides report to the Council Chair by October 16, 2020. • Council Chair and/or third-party presents evaluation report to the Executive Committee for consideration during a closed session at the October 20, 2020 Executive Committee meeting. • Executive Committee finalizes the evaluation, adopts content of final evaluation report, recommendation(s), and requested actions for presentation to the full Council.

ATTACHMENT C

December 2020	<ul style="list-style-type: none">• Executive Committee presents final evaluation report recommendation(s) and requested actions to the full Council during a closed session at the December 1, 2020 meeting.• Council considers Executive Committee recommendation and approves the final E.D. evaluation report, recommendation(s), and requested actions.• Council Chair provides E.D. with approved E.D. evaluation report, recommendation(s), and requested actions by December 31, 2020.

AUGUST 11, 2020

**AGENDA ITEM 9
ACTION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

ESTABLISH SLATE FOR NOMINATING COMMITTEE

Last year, at the July 2019 State Council meeting, an interim Chair and Vice Chair were elected to serve in a temporary capacity until the Executive Committee could recommend a Nominating Committee slate and a regular election could be held. This action filled the Officer seats that were left vacant due to the expiration of the service terms of the former Chair and Vice Chair. In November 2019, a regular election was held, and the seats were filled for the remainder of the 2019-2020 Officer term.

Per Article VII, Section 2 of the Bylaws, election of officers shall occur once every two years and shall be held during the last meeting of the appropriate calendar year. Based on the recommended election timeline, the next step in the 2021-2022 Officer election process is to establish a slate of candidates to serve on a Nominating Committee. Therefore, the Executive Committee will consider a slate of members to serve for one year. This Committee is responsible for recommending that slate of candidates back to the Council at the September meeting.

The attached detail sheet provides further information on the election process.

Action Recommended

Propose a slate of nominees for the Nominating Committee to be presented to the full Council at the September 2020 Council meeting. The Council will then elect members to serve on the Nominating Committee.

EXECUTIVE COMMITTEE AGENDA ITEM DETAIL SHEET

ISSUE: 2020 Officer Elections – Nominating Committee

SUMMARY: The Welfare and Institutions Code and the Council’s Bylaws provide the rules and process for electing Members to the positions of Chair and Vice Chair. The first steps of the process should begin no later than August, and the elected officers will begin their new terms in January. The process is detailed below.

BACKGROUND/DISCUSSION: Under W&I Code Section 4535(b), the Council is required to elect its Chairperson and Vice Chairperson by a majority vote. The Council must hold the election for its officers every two years during the last Council meeting of the particular election year. (Bylaws Article VII, Section 2.)

Recommendations for officers must be by nomination in the form of a slate of nominees reported from the Nominating Committee. However, nominations may also be received from the floor before the election but after the Nominating Committee’s report.

Self-advocate and family-advocate Members of the Council may serve in the Chair and Vice Chair positions. (See W&I Sections 4535(b) and 4521(b)(1).)

Those who may not serve in these officer positions are those members who represent a State of California agency or federal partner or who serve on the Council as the representative of “a nongovernmental agency or group concerned with the provision of services to persons with developmental disabilities.” These are the members listed in W&I Section 4521(b)(2). The Bylaws require the Council to follow the below process:

Setting Up the Nominating Committee

- (1) Executive Committee Develops a Slate of Candidates for the Nominating Committee (August):** The Executive Committee decides on a recommended slate of nominees for the Nominating Committee. (Article IX, Section 2(e)(2)[n].)

- (2) Council's Election of Members to the Nominating Committee (September):** At the September Council meeting, the Executive Committee presents the slate of nominees for the Nominating Committee to the Council. The Council then elects members to the Nominating Committee. (Bylaws Article IX, Section 2(e)(1)[n].)

Nominating Candidates for the Officer Positions

- (3) Nominating Committee's Nominations (October):** The Nominating Committee is responsible for nominating Council Members for the officer positions of Chair and Vice Chair. (Bylaws Article VII, Section 3.) Therefore, the Nominating Committee meets to decide on whom to nominate for these positions and develops a list of nominations.

Electing the Officers

- (4) Council's Election of Officers (November):** The Nominating Committee presents its nominations to the Council. As mentioned, nominations may be received from the floor before the election, but after the report of the Nominating Committee. (Article VII, Section 3.) The Council must elect its officers at the last meeting of the year from among the nominations. (Bylaws Article VII, Section 2.)

Installing the Officers

- (5) Beginning of New Terms (January):** The Council Members elected to the Chair and Vice Chair positions each begin their term of office on January 1st.

RECOMMENDATION(S): Establish a recommended slate of nominees for the Nominating Committee.

ATTACHMENTS(S): None.

PREPARED: Committee Specialist Robin Maitino-Erben, July 30, 2020.

AUGUST 11, 2020

**AGENDA ITEM 10
ACTION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

CONFLICT OF INTEREST WAIVER REQUESTS

Committee members will review conflict of interest waiver requests from North Los Angeles County Regional Center board members Ivette Arriaga and Angelina Martinez. These are the first waiver requests that both individuals have submitted. Documentation for these requests has been included in the packet for review.

Attachments

Conflict of Interest Waiver Request for Ivette Arriaga
Conflict of Interest Waiver Request for Angelina Martinez

Action Recommended

Approve the Conflict of Interest waiver requests.

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Regional Center Conflict of Interest (COI)

BACKGROUND: The Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council.¹ The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.²

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

Ivette Arriaga, Board Member, North Los Angeles County Regional Center:

Ivette Arriaga is a member of the Board of the North Los Angeles County Regional Center (NLARC). Ms. Arriaga's sister is an ABA Therapist for the Center for Autism and Related Disorders (CARD), a NLARC vendor.

Information regarding the NLARC Board's recruitment and appointment process is available at <https://www.nlacrc.org/home>.

This is the first waiver request Ms. Arriaga has submitted.

DISCUSSION:

Conflict of Interest: Department of Developmental Services (DDS) Regulation³ 54520 provides in part that a conflict of interest exists when the board member, or a family member of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;
- (3) a director;
- (4) an officer;
- (5) an owner;

¹ Welf. & Inst. Code § 4626, subd. (f).

² Welf. & Inst. Code § 4628.

³ DDS' current regulations are published at California Code of Regulations, title 17, § 50201 et seq.

- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;
- (10) an employee;**
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Ms. Arriaga's conflict of interest arises because her sister works for a NLARC vendor.⁴ To address the conflict, Ms. Arriaga submitted the following Conflict of Interest Resolution Plan (Plan):

1. Ms. Arriaga will have no interaction as a board member with any matter that might impact CARD, and specifically she will recuse herself from any vote on any matter that could impact CARD.
2. Ms. Arriaga will, in every conceivable manner, cease interacting with the Board on any matter that could conceivably impact CARD.
3. Ms. Arriaga will not participate as a board member in the consideration, preparation, review, presentation, formulation or approval of any report, plan, opinion, recommendation or action regarding CARD or any actions creating policy or approaches that would impact CARD and other adaptive skills training and behavior services vendors.
4. Ms. Arriaga will not review or participate as a board member in any discussions, recommendations, or decisions about Purchase of Service authorizations for CARD and other adaptive skills training and behavior services vendors.

⁴ Cal. Code Regs., title 17, § 54520(a)(10).

5. Ms. Arriaga will not review or in any way participate as a board member in the preparation, consideration, or any follow-up related to Special Incident Reports from or about CARD and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.
6. Ms. Arriaga will not create, review, or in any way participate as a board member in, any corrective action plans for CARD and other adaptive skills training and behavior services vendors.
7. Ms. Arriaga will not participate as a board member in any discussions, recommendations, action or resolution of any complaints pertaining to CARD and other adaptive skills training and behavior services vendors.
8. Ms. Arriaga will take no part as a board member in decisions regarding vendor appeals, or fair hearings involving CARD and other adaptive skills training and behavior services vendors.
9. Ms. Arriaga will not as a board member access vendor files or other information the regional center maintains about CARD and other adaptive skills training and behavior services vendors, either electronic or hard copy form.
10. Ms. Arriaga shall not participate as a board member in developing, creating, or recommendation any POS policies, or other policies, that might apply to CARD and other adaptive skills training and behavior services vendors. Instead these tasks will become the responsibility of other Board members.
11. Ms. Arriaga will not be involved as a board member in the negotiation, discussion, obligation or commitment of NLACRC to a course of action involving CARD and other adaptive skills training and behavior services vendors.

12. The NLACRC Board of Trustees will be informed about this, and they will be informed of the need to ensure that Ms. Arriaga has no involvement whatsoever in any action or business whatsoever involving or affecting CARD and other adaptive skills training and behavior services vendors.
13. These restrictions only apply to CARD and policies impacting other adaptive skills training and behavioral services vendors. The bulk of Ms. Arriaga's duties with regard to a vast array of other Board issues and other vendors will remain unchanged, unless the Board work would in any way impact CARD. This amounts to a reassignment of a small portion of her duties and will not reduce the value and productivity that Ms. Arriaga provides to the NLACRC Board.
14. NLARC has received approval from the Board of Trustees regarding this Plan.

The proposed Plan appears to mitigate concerns over Ms. Arriaga's conflict of interest that could result based upon her sister's employment with a NLARC vendor. NLARC has advised that Ms. Arriaga is a valued and productive member of the Board. Accordingly, the staff recommendation is to approve Ms. Arriaga's waiver request.

STAFF RECOMMENDATION: Approve Ms. Arriaga's waiver request.

ATTACHMENT: Ms. Arriaga's COI reporting statement and Plan.

PREPARED BY: Legal Counsel Adam Lewis, July 3, 2020.



North Los Angeles County Regional Center

Main 818-778-1900 • Fax 818-756-6140 | 9200 Oakdale Avenue #100, Chatsworth, CA 91311 | www.nlacrc.org

July 2, 2020

Via Electronic Mail

Mr. Adam Lewis
State Council of Developmental Disabilities
3831 N. Freeway Blvd, Suite 125
Sacramento, CA 95834

RE: Board Member Conflict of Interest Resolution Plan – Ivette Arriaga

Dear Mr. Lewis,

North Los Angeles County Regional Center is submitting and seeking approval on the attached Conflict of Interest Resolution Plan on behalf of our board member, Ms. Ivette Arriaga. This Conflict of Interest Resolution Plan has been completed in accordance with Title 17, §54533, Present or Potential Conflict of Interest Identified, Proposed Conflict of Interest Resolution Plan Content, Timelines for Submission of Proposed Conflict of Interest Resolution Plan. Additionally, a copy of the plan will be forwarded to DDS as required by §54534, Conflict Resolution Plan Review, Procedures.

If you have any questions regarding the attached correspondence, please contact me at (818) 756-6125.

Sincerely,

Michele K. Marra, SPHR, SHRM-SCP
Chief Organizational Development Officer

Enc:
Ivette Arriaga - Conflict of Interest Resolution Plan

NOTIFICATION OF CONFLICT OF INTEREST,
AND
CONFLICT RESOLUTION PLAN

IVETTE ARRIAGA – NLACRC BOARD MEMBER
NORTH LOS ANGELES COUNTY REGIONAL CENTER

I. Law Governing Conflicts of Interest

The prohibition against Regional Center employee or board member conflicts of interest has its origin in section 4626 of the Welfare & Institutions Code. Subsection (d) of said section 4626 provides: “The department shall ensure that no regional center employee or board member has a conflict of interest with an entity that receives regional center funding....”

That general prohibition is explained in more detail in Title 17 of the California Code of Regulations, section 54520 “Positions Creating Conflicts of Interests for Regional Center Governing Board Members and Executive Directors,” which provides in pertinent part:

(a) A conflict of interest exists when a regional center governing board member...or family member of such person is any of the following for a business entity, entity, or provider as defined in section 54505 of these regulations...:

- (1) a governing board member
 - (2) a board committee member
 - (3) a director
 - (4) an officer
 - (5) an owner
 - (6) a partner
 - (7) a shareholder
 - (8) a trustee
 - (9) an agent
 - (10) an employee
 - (11) a contractor
 - (12) a consultant
 - (13) a person who holds any position of management
 - (14) a person who has decision or policy making authority.
- (Emphasis added.)

Section 54505 states that: “Business Entity, Entity or Provider” means any individual or business venture from whom or from which the regional center purchases, obtains or secures goods or services to conduct its operations.”

Further, Section 54533 states:

- (a) When a present or potential conflict of interest is identified for a regional center board member, executive director, employee, contractor, agent, or consultant, the present or potential conflict

shall be either eliminated or mitigated and managed through a Conflict Resolution Plan, or the individual shall resign his or her position with the regional center or regional center governing board.

II. Potential Conflict of Ms. Arriaga

Ivette Arriaga is a Board Member at North Los Angeles County Regional Center (hereinafter "NLACRC" or "the Regional Center"). Ms. Arriaga is a board member and she participates on the Consumer Services and Government and Community Relations Committees. NLACRC Executive Director Ruth Janka confirms that Ms. Arriaga is a productive and valued member of the Board of Trustees. Attached as **Exhibit A** is Ms. Arriaga's completed Conflict of Interest Reporting Statement. As part of the Conflict Resolution Plan, she will remain in her position on the Board of Trustees.

Ms. Arriaga's sister, Luisa Becerra, however, is an ABA Therapist for the Center for Autism and Related Disorders ("CARD"), a vendor of North Los Angeles County Regional Center. This creates a direct conflict for Ms. Arriaga as defined by regulation. This document constitutes a disclosure of this conflict, a Conflict Resolution Plan to mitigate any adverse consequences from this relationship, and a request for approval of the Conflict Resolution Plan by DDS.

In short, this Conflict Resolution Plan will have Ms. Arriaga remain in her position on the NLACRC Board of Trustees, but limit her actions as a board member so that she in no way participates in any role whatsoever with regard to CARD or any other vendor who provides adaptive skills training and behavioral management services.

III. Facts

The plan of action proposed herein is designed to eliminate any adverse consequences from the conflict. To better understand how the plan will eliminate any adverse consequences, this request will first provide the facts regarding Ms. Arriaga's duties and responsibilities as a board member and her sister's role as an Applied Behavioral Analysis (ABA) Therapist for CARD.

A. Ms. Arriaga's Duties as Board Member

As a board member, Ms. Arriaga regularly meets with other board members of NLACRC to create policy for the operation of the regional center. Policy is developed through recommendations from board committees and the Executive Director. Direct operation is delegated to the Executive Director who is hired by the board. Staff recommendations for policy initiation or modification go the Executive Director, who, in turn, refers them to the board and/or an appropriate board committee. A copy of the Board Member Responsibilities is attached as **Exhibit B**.

Ms. Arriaga's primary duties are as follows:

1. Attendance at monthly Board of Trustees meetings, usually held on the second Wednesday of each month at the main NLACRC office in Chatsworth at 6:30 p.m.
2. Membership and attendance on at least one (1) board committee.
3. Because the regional center is funded under contract with the State of California, Department of Developmental Services, each member of the Board of Trustees is required to identify any potential conflict of interest as identified in Welfare and Institutions Code Sections 4626 and 4627.
4. A part of a board member's responsibility is to be an informed and active advocate member of the Board of Trustees, she is expected to attend a board orientation and/or board training scheduled during the first year on the board and attend one annual board retreat.
5. Visitation to NLACRC supported programs is expected in order that board members may be informed about the developmental disabilities service system. Programs include a wide variety of residential and day programs as well as those providers who deliver a specific service (e.g. school setting or transportation).
6. Ms. Arriaga participates on the Consumer Services and Government and Community Relations Committees.

Under the suggested Conflict Resolution Plan, Ms. Arriaga will remain in her board position, but will be strictly regulated so that she has no role or involvement whatsoever with any matter that might conceivably impact CARD, or a vendor that provides adaptive skills and behavioral management services.

C. Luisa Becerra's Duties at CARD

CARD is a service provider to NLACRC that provides the following services:

- Adaptive Skills Training
- Behavioral Services

As an ABA Therapist for CARD, Ms. Becerra delivers ABA procedures and record accurate data of treatment gains of consumers. The consumers she works with are in the San Fernando Valley. The age range that CARD works with is 4 - 22. The consumers that Ms. Becerra works with are in the range from age 4 – 16 years of age.

IV. Conflict Resolution Plan

The Regional Center and its Executive Director, Ruth Janka, have concluded that Ms. Arriaga provides great value to the Board of NLACRC. After consideration of the totality

of the circumstances and a careful review of the facts, the Executive Director believes it is in the best interests of the Regional Center to create and implement a Conflict Resolution Plan to eliminate any adverse consequences from this relationship and seek approval of this plan by DDS.

Initially, the first step in the Conflict Resolution Plan is to allow Ms. Arriaga to remain in her position on the Board of Trustees, but to cease any activity or action that might in any way impact CARD. This will eliminate any instance in which Ms. Arriaga would have to vote, give her opinion, analyze, assess the performance of, or take action for or against CARD, and would eliminate any possible action by Ms. Arriaga to recommend CARD or other similar available adaptive skills training and behavioral services vendors.

The second part of the plan is to insulate Ms. Arriaga from any involvement whatsoever with the generic type of provider like CARD. She would recuse herself from participation in any vote regarding, drafting, planning, or discussion of rules, policies, or restrictions that would impact CARD and all other adaptive skills training and behavioral services vendors. Any duties that potentially relate to CARD or generic policies applicable to such a vendor represent a small portion of the valuable duties she performs on behalf of the Regional Center, and these duties can be easily delegated to other Regional Center board members. Like other board members, Ms. Arriaga develops policy through recommendations from the Executive Director, and thus works with numerous vendors on a variety of services.

Further, as the Conflict Resolution Plan details below, when any matter arises with regard to CARD or other adaptive skills training and behavioral services vendors, she will agree not to be involved in the discussion of the matter, the presentation of options to the Board, or the decision or vote on such matter. NLACRC will require Ms. Arriaga to abstain from discussion with, or involvement in the matter, and require the other board members to take all such actions, including appropriate description of options, recommendations, analysis and ultimate decision and vote.

The Regional Center and Ms. Arriaga's suggested Conflict Resolution Plan for this conflict of interest is as follows:

1. Ms. Arriaga will have no interaction as a board member with any matter that might impact CARD, and specifically she will recuse herself from any vote on any matter that could impact CARD.
2. Ms. Arriaga will, in every conceivable manner, cease interacting with the Board on any matter that could conceivably impact CARD.
3. Ms. Arriaga will not participate as a board member in the consideration, preparation, review, presentation, formulation or approval of any report, plan, opinion, recommendation or action regarding CARD or any actions creating policy or approaches that would impact CARD and other adaptive skills training and behaviors services vendors.

4. Ms. Arriaga will not review or participate as a board member in any discussions, recommendations, or decisions about Purchase of Service (POS) authorizations for CARD and other adaptive skills training and behavioral services vendors.

5. Ms. Arriaga will not review or in any way participate as a board member in the preparation, consideration, or any follow-up related to Special Incident Reports from or about CARD and other adaptive skills training and behavioral services vendors.

6. Ms. Arriaga will not create, review, or in any way participate as a board member in, any corrective action plans for CARD and other adaptive skills training and behavioral services vendors.

7. Ms. Arriaga will not participate as a board member in any discussions, recommendations, action, or resolution of any complaints pertaining to CARD and other adaptive skills training and behavioral services vendors.

8. Ms. Arriaga will take no part as a board member in decisions regarding vendor appeals, or fair hearings involving CARD and other adaptive skills training and behavioral services vendors.

9. Ms. Arriaga will not as a board member access vendor files or other information the regional center maintains about CARD and other adaptive skills training and behavioral services vendors, either in electronic or hard copy form.

10. Ms. Arriaga shall not participate as a board member in developing, creating, or recommending any POS policies, or other policies, that might apply to CARD and other adaptive skills training and behavioral services vendors. Instead, these tasks will become the responsibility of the other board members.

11. Ms. Arriaga will not be involved as a board member in the negotiation, discussion, obligation or commitment of NLACRC to a course of action involving CARD and other adaptive skills training and behavioral services vendors.

12. The NLACRC Board of Trustees will be informed about this Plan of Action, and they will be informed of the need to ensure that Ms. Arriaga has no involvement whatsoever in any action or business whatsoever involving or affecting CARD and other adaptive skills training and behavioral services vendors.

13. These restrictions only apply to CARD and policies impacting other adaptive skills training and behavioral services vendors. The bulk of Ms. Arriaga's duties with regard to a vast array of other Board issues and other vendors will remain unchanged, unless the Board work would in any way impact CARD. This amounts to a reassignment of a small portion of her duties and will not reduce the value and productivity that Ms. Arriaga provides to the NLACRC Board.

14. NLACRC has received approval from its Board of Trustees regarding this Conflict Resolution Plan.

V. Request Approval of Conflict Resolution Plan

For the reasons provided above, and in accordance with the Conflict Resolution Plan set forth above, North Los Angeles County Regional Center hereby requests that DDS approve the Conflict Resolution Plan in this matter.

Respectfully submitted,

By: Ivette Arriaga
Ivette Arriaga (Jun 26, 2020 18:23 PDT)
Ivette Arriaga, NLACRC Board Member

Date: Jun 26, 2020

By: Elena Burnett
Elena Burnett (Jun 26, 2020 18:32 PDT)
Elena Burnett, NLACRC Board President

Date: Jun 26, 2020

By: Ruth Janka
Ruth Janka (Jun 29, 2020 12:23 PDT)
Ruth Janka, Executive Director, NLACRC

Date: Jun 29, 2020

Reset Form

CONFLICT OF INTEREST REPORTING STATEMENT
DS 6016 (Rev. 08/2013)

The duties and responsibilities of your position with the regional center require you to file this Conflict of Interest Reporting Statement. The purpose of this statement is to assist you, the regional center and the Department of Developmental Services (DDS) to identify any relationships, positions or circumstances involving you which may create a conflict of interest between your regional center duties and obligations, and any other financial interests and/or relationships that you may have. In order to be comprehensive, this reporting statement requires you to provide information with respect to your financial interests.

A "conflict of interest" generally exists if you have one or more personal, business, or financial interests, or relationships that would cause a reasonable person with knowledge of the relevant facts to question your impartiality with respect to your regional center duties. The specific circumstances and relationships which create a conflict of interest are set forth in the California Code of Regulations, title 17, sections 54500 through 54530. You should review these provisions to understand the specific financial interests and relationships that can create a conflict of interest.

Please answer the following questions to the best of your knowledge. If you find a question requires further explanation and/or there is not enough space to thoroughly answer the question, please attach as many additional sheets as necessary, and refer to the question number next to your answer. If the regional center identifies a conflict involving you, it will be required to prepare a conflict resolution plan. Some relevant definitions have been provided in the footnotes to assist you in responding to this statement.

You are required to file this Reporting Statement within 30 days of beginning your employment with the regional center or from the date that you are appointed to the regional center board or advisory committee board. You are then required to file an annual Reporting Statement by August 1st of every year while you remain employed with the regional center or while you are a member of the regional center board or advisory committee board. You must also file a Reporting Statement within 30 days of any change in your status that could result in a conflict of interest. Circumstances that can constitute a change in your status that can require you to file an updated Reporting Statement are described below in footnote one.

A. INFORMATION OF REPORTING INDIVIDUAL

Name: Ivette Arriaga Regional Center: NLARC

Regional Center Position/Title: ☒ Governing Board Member ☐ Executive Director
☐ Vendor Advisory Committee sitting on Board ☐ Employee
☐ Contractor ☐ Agent ☐ Consultant

Reporting Status: ☒ Annual ☐ New Appointment (date): 02/01/2020
☐ Change of Status¹

If a change in status, date and circumstance of change in status:

1. Please list your job title and describe your job duties at the regional center.
 Member of the Board of Trustees.

¹ Change of status includes a previously unreported activity that should have been reported, change in the circumstance of a previously reported activity, change in financial interest, familial relationship, legal commitment, change in regional center position or duties, change in regional center, or change to outside position or duties. See California Code of Regulations, title 17, sections 54531(d) and 54532(d).

<input checked="" type="checkbox"/>	Governing Board Member
<input type="checkbox"/>	Vendor Advisory on Board
<input type="checkbox"/>	Executive Director
<input type="checkbox"/>	Employee/Other

2. Do you or a family member² work for any entity or organization that is a regional center provider or contractor?
☒ yes ☐ no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers. If the provider or contractor is a state or local governmental entity, provide the specific name of the state or local governmental entity and describe your job duties at the state or local governmental entity.

My sister, Luisa Becerra, is an ABA therapist for CARD (Center for Autism and Related Disorders).

3. Do you or a family member own or hold a position³ in an entity or organization that is a regional center provider or contractor? ☒ yes ☐ no -- If yes, provide the name of the entity or organization, describe what services it provides for the regional center or regional center consumers, and describe your or your family member's financial interest.

My sister, Luisa Becerra, is an ABA therapist for CARD (Center for Autism and Related Disorders).

4. Are you a regional center advisory committee board member? ☐ yes ☒ no -- If yes, are you a member of the governing board or owner or employee of an entity or organization that provides services to the regional center or regional center consumers? ☐ yes ☐ no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers.

N/A

5. If you are a regional center advisory committee board member and answered yes to all the questions in Question 4 above, do any of the following apply to you: (a) are you an officer of the regional center board; (b) do you vote on purchasing services from a regional center provider; or (c) do you vote on matters where you might have a financial interest? ☐ yes ☐ no -- If yes, please explain.

N/A

² Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, parent-in-laws, brother-in-laws, sister-in-laws, son-in-laws and daughter-in-laws. See California Code of Regulations, title 17, sections 54505(f).

³ For purposes of this question, hold a position generally means that you or a family member is a director, officer, owner, partner, employee, or shareholder of an entity or organization that is a regional center provider or contractor. For a specific description of positions that create a conflict of interest in a regional center provider or contractor see the California Code of Regulations, title 17, sections 54520 and 54526.

<input checked="" type="checkbox"/>	Governing Board Member
<input type="checkbox"/>	Vendor Advisory on Board
<input type="checkbox"/>	Executive Director
<input type="checkbox"/>	Employee/Other

6. Do any of the decisions you make when performing your job duties with the regional center have the potential to financially benefit you or a family member⁴? [Note: Governing board members do not have to answer "yes" to this question if the financial benefit would be available to regional center consumers or their families generally].

☐ yes ☒ no -- If yes, please explain.

My conflict of interest resolution plan will mitigate and ensure any decisions while performing my duties as a board member will not financially benefit myself or family member.

7. Are you responsible for negotiating, making,⁵ executing or approving contracts on behalf of the regional center? ☒ yes ☐ no -- If yes, please explain.

8. Do you have a financial interest in any contract⁶ with the regional center? ☐ yes ☒ no -- If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☐ no -- If yes, please explain.

9. Do any of your family members have a financial interest in any contract with the regional center? ☒ yes ☐ no
If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☒ no
If yes, please explain.

My sister is employed at CARD

⁴ Generally, a decision can financially benefit you or a family member if the decision can either directly or indirectly cause you or a family member to receive a financial gain or avoid a financial loss. For a specific description of the types of decisions that can result in a financial benefit to you or a family member see the California Code of Regulations, title 17, sections 54522 and 54527.

⁵ California Code of Regulations, title 17, sections 54523(b)(2) and 54528(b)(2) describes the types of conduct which constitute involvement in the making of a contract.

⁶ For purposes of questions 8 and 9, a financial interest in a contract generally means any direct or indirect interest in a contract that can cause you or a family member to receive any sort of financial gain or avoid any sort of financial loss irrespective of the dollar amount. California Code of Regulations, title 17, sections 54523 and 54528 define when financial interests in a contract will occur.

<input checked="" type="checkbox"/> Governing Board Member
<input type="checkbox"/> Vendor Advisory on Board
<input type="checkbox"/> Executive Director
<input type="checkbox"/> Employee/Other

10. Do you evaluate employment applications or contract bids that are submitted by your family member(s)?
☐ yes ☒ no -- If yes, please explain.

11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? ☐ yes ☒ no -- If yes, please explain.

B. ATTESTATION

I Ivette Ariaga (print name) HEREBY CONFIRM that I have read and understand the regional center's Conflict of Interest Policy and that my responses to the questions in this Conflict of Interest Reporting Statement are complete, true, and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this statement is not accurate or that I have not complied with the regional center's Conflict of Interest Policy or the applicable conflict of interest laws, I will notify the regional center's designated individual immediately. I understand that knowingly providing false information on this Conflict of Interest Reporting Statement shall subject me to a civil penalty in an amount up to fifty thousand dollars (\$50,000) pursuant to Welfare and Institutions Code section 4626.

Signature Ivette Ariaga Date 04/22/2020

INTERNAL USE ONLY

Date this Statement was received by Reviewer:

The reporting individual ☒ does ☐ does not have a ☒ present ☒ potential conflict of interest

Signature of Designated Reviewer

Date Review Completed



4-23-2020

**North Los Angeles County Regional Center
Board of Trustees Policy**

Board Member Responsibilities

The role of the Board of Trustees of the North Los Angeles County Regional Center (NLACRC) is to make policy for the operation of the regional center. Policy is developed through recommendations from board committees and the executive director; direct operation is delegated to the executive director who is hired by the board. Staff recommendations for policy initiation or modification go to the executive director who, in turn, refers them to the board and/or an appropriate board committee.

Your responsibility as a member of the Board of Trustees of the NLACRC would include, but not be limited to:

- Attendance at monthly Board of Trustees meetings, usually held on the second Wednesday of each month at the main NLACRC office in Van Nuys at 6:30 p.m.
- Membership and attendance on at least one (1) board committee.
- Because the regional center is funded under contract with the State of California, Department of Developmental Services, each member of the Board of Trustees is required to identify any potential conflict of interest as identified in Welfare and Institutions Code, Sections 4626 and 4627.
- As part of a board member's responsibility to be an informed and active advocate member of the Board of Trustees, it is expected to attend a board orientation and/or board training scheduled during the first year on the board and attend one annual board retreat.
- Visitation to NLACRC supported programs is expected in order that board members may be informed about the developmental disabilities service system. Programs include a wide variety of residential and day programs as well as those providers who deliver a specific service (e.g. school setting or transportation).

[policy.bd.bdmbr.resps] Adopted 01-13-93












Arriaga - COI Resolution Plan_6.10.20

Final Audit Report

2020-06-29

Created:	2020-06-26
By:	Ana Maria Parthenis-Rivas (AParthenis-Rivas@nlacrc.org)
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-  Signed document emailed to Michele Marra (mmarra@nlacrc.org), Ruth Janka (rjanka@nlacrc.org), Ana Maria Parthenis-Rivas (AParthenis-Rivas@nlacrc.org), Elena Burnett (e.m.burnett@verizon.net), and 1 more
2020-06-29 - 7:23:34 PM GMT

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Regional Center Conflict of Interest (COI)

BACKGROUND: The Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council.¹ The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.²

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

Angelina Martinez, Board Member, North Los Angeles County Regional Center:

Angelina Martinez is a member of the Board of the North Los Angeles County Regional Center (NLARC). She is a delegate of the Association of Regional Center Agencies (ARCA) and participates in the Executive, Nominating and Strategic Planning Committees. Ms. Martinez's daughter Jessica is a respite worker for Choice Home Care. In that capacity, Jessica provides services to her siblings, who are NLARC consumers.

Information regarding the NLARC Board's recruitment and appointment process is available at <https://www.nlacrc.org/home>.

This is the first waiver request Ms. Martinez has submitted.

DISCUSSION:

Conflict of Interest: Department of Developmental Services (DDS) Regulation³ 54520 provides in part that a conflict of interest exists when the board member, or a family member of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;

¹ Welf. & Inst. Code § 4626, subd. (f).

² Welf. & Inst. Code § 4628.

³ DDS' current regulations are published at California Code of Regulations, title 17, § 50201 et seq.

- (3) a director;
- (4) an officer;
- (5) an owner;
- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;
- (10) an employee;**
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Ms. Martinez's conflict of interest arises because her daughter is a respite worker for a NLARC vendor.⁴ To address the conflict, Ms. Martinez submitted the following Conflict of Interest Resolution Plan (Plan):

1. Ms. Martinez will have no interaction as a board member with any matter that might impact Choice Home Care, and specifically she will recuse herself from any vote on any matter that could impact Choice Home Care.
2. Ms. Martinez will, in every conceivable manner, cease interacting with the Board on any matter that could conceivably impact Choice Home Care.
3. Ms. Martinez will not participate as a board member in the consideration, preparation, review, presentation, formulation or approval of any report, plan, opinion, recommendation or action regarding Choice Home Care or any actions creating policy or approaches that would impact Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.

⁴ Cal. Code Regs., title 17, § 54520(a)(10).

4. Ms. Martinez will not review or participate as a board member in any discussions, recommendations, or decisions about Purchase of Service authorizations for Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.
5. Ms. Martinez will not review or in any way participate as a board member in the preparation, consideration, or any follow-up related to Special Incident Reports from or about Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.
6. Ms. Martinez will not create, review, or in any way participate as a board member in, any corrective action plans for Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.
7. Ms. Martinez will not participate as a board member in any discussions, recommendations, action or resolution of any complaints pertaining to Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.
8. Ms. Martinez will take no part as a board member in decisions regarding vendor appeals, or fair hearings involving Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.
9. Ms. Martinez will not as a board member access vendor files or other information the regional center maintains about Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors, either electronic or hard copy form.
10. Ms. Martinez shall not participate as a board member in developing, creating, or recommendation any POS policies, or other policies, that

might apply to Choice Home Care other ILS, Home Health (RN and LVN services), respite and personal assistance vendors. Instead, these tasks will become the responsibility of the other board members.

11. Ms. Martinez will not be involved as a board member in the negotiation, discussion, obligation or commitment of NLACRC to a course of action involving Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.
12. The NLACRC Board of Trustees will be informed about this Plan of Action, and they will be informed of the need to ensure that Ms. Martinez has no involvement whatsoever in any action or business whatsoever involving or affecting Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.
13. These restrictions only apply to Choice Home Care and policies impacting other ILS, Home Health (RN and LVN services), respite and personal assistance vendors. The bulk of Ms. Martinez's duties with regard to a vast array of other Board issues and other vendors will remain unchanged, unless the Board work would in any way impact Choice Home Care. This amounts to a reassignment of a small portion of her duties and will not reduce the value and productivity that Ms. Martinez provides to the NLACRC Board.
14. In the event that Choice Home Care provides additional services under the Home Health vendorization, Ms. Martinez will comply with the requirements listed above as it relates to those services. The additional services include:
 - a. Certified Home Health Aides
 - b. Licensed Physical Therapist

- c. Occupational Therapy
 - d. Speech Therapy
 - e. Medical Social Services
 - f. Dietician
15. In the event the Board member changes to a different respite agency during the course of her term, each provision of this plan shall apply to the new agency for the duration of the trustee's term on the Board.
16. NLARC has received approval from the Board of Trustees regarding this Plan.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon the respite services Ms. Martinez's daughter provides to her siblings through a NLARC vendor. NLARC has advised that Ms. Martinez is a valued and productive member of the Board. Accordingly, the staff recommendation is to approve Ms. Martinez's waiver request.

STAFF RECOMMENDATION: Approve Ms. Martinez's waiver request.

ATTACHMENT: Ms. Martinez's COI reporting statement and Plan.

PREPARED BY: Legal Counsel Adam Lewis, July 3, 2020.



North Los Angeles County Regional Center

Main 818-778-1900 • Fax 818-756-6140 | 9200 Oakdale Avenue #100, Chatsworth, CA 91311 | www.nlacrc.org

July 2, 2020

Via Electronic Mail

Mr. Adam Lewis
State Council of Developmental Disabilities
3831 N. Freeway Blvd, Suite 125
Sacramento, CA 95834

RE: Board Member Conflict of Interest Resolution Plan – Angelina Martinez

Dear Mr. Lewis,

North Los Angeles County Regional Center is submitting and seeking approval on the attached Conflict of Interest Resolution Plan on behalf of our board member, Ms. Angelina Martinez. This Conflict of Interest Resolution Plan has been completed in accordance with Title 17, §54533, Present or Potential Conflict of Interest Identified, Proposed Conflict of Interest Resolution Plan Content, Timelines for Submission of Proposed Conflict of Interest Resolution Plan. Additionally, a copy of the plan will be forwarded to DDS as required by §54534, Conflict Resolution Plan Review, Procedures.

If you have any questions regarding the attached correspondence, please contact me at (818) 756-6125.

Sincerely,

Michele K. Marra, SPHR, SHRM-SCP
Chief Organizational Development Officer

Enc:
Angelina Martinez - Conflict of Interest Resolution Plan

NOTIFICATION OF CONFLICT OF INTEREST,
AND
CONFLICT RESOLUTION PLAN

ANGELINA MARTINEZ - NLACRC BOARD MEMBER
NORTH LOS ANGELES COUNTY REGIONAL CENTER

I. Law Governing Conflicts of Interest

Angelina Martinez

The prohibition against Regional Center employee or board member conflicts of interest has its origin in section 4626 of the Welfare & Institutions Code. Subsection (d) of said section 4626 provides: "The department shall ensure that no regional center employee or board member has a conflict of interest with an entity that receives regional center funding...."

That general prohibition is explained in more detail in Title 17 of the California Code of Regulations, section 54520 "Positions Creating Conflicts of Interests for Regional Center Governing Board Members and Executive Directors," which provides in pertinent part:

(a) A conflict of interest exists when a regional center governing board member...or family member of such person is any of the following for a business entity, entity, or provider as defined in section 54505 of these regulations...:

- (1) a governing board member
 - (2) a board committee member
 - (3) a director
 - (4) an officer
 - (5) an owner
 - (6) a partner
 - (7) a shareholder
 - (8) a trustee
 - (9) an agent
 - (10) an employee
 - (11) a contractor
 - (12) a consultant
 - (13) a person who holds any position of management
 - (14) a person who has decision or policy making authority.
- (Emphasis added.)

Section 54505 states that: "Business Entity, Entity or Provider" means any individual or business venture from whom or from which the regional center purchases, obtains or secures goods or services to conduct its operations."

Further, Section 54533 states:

- (a) When a present or potential conflict of interest is identified for a regional center board member, executive director, employee, contractor, agent, or consultant, the present or potential conflict

shall be either eliminated or mitigated and managed through a Conflict Resolution Plan, or the individual shall resign his or her position with the regional center or regional center governing board.

II. Potential Conflict of Ms. Martinez

Angelina Martinez is a Board Member at North Los Angeles County Regional Center (hereinafter “NLACRC” or “the Regional Center”). Ms. Martinez is a board member and the Association of Regional Center Agencies (ARCA) Delegate and as such she participates on the Executive, Nominating and Strategic Planning Committees. NLACRC Executive Director Ruth Janka confirms that Ms. Martinez is a productive and valued member of the Board of Trustees. Attached as **Exhibit A** is Ms. Martinez completed Conflict of Interest Reporting Statement. As part of the Conflict Resolution Plan, she will remain in her position on the Board of Trustees.

Ms. Martinez’s daughter, Jessica Martinez, however, is a respite worker for her siblings (consumers of NLACRC) for Choice Home Care, a vendor of North Los Angeles County Regional Center. This creates a direct conflict for Ms. Martinez as defined by regulation. This document constitutes a disclosure of this conflict, a Conflict Resolution Plan to mitigate any adverse consequences from this relationship, and a request for approval of the Conflict Resolution Plan by DDS.

In short, this Conflict Resolution Plan will have Ms. Martinez remain in her position on the NLACRC Board of Trustees and ARCA Delegate, but limit her actions as a board member so that she in no way participates in any role whatsoever with regard to Choice Home Care or any other vendor who provides ILS, Home Health (RN and LVN services), respite and personal assistance services.

III. Facts

The plan of action proposed herein is designed to eliminate any adverse consequences from the conflict. To better understand how the plan will eliminate any adverse consequences, this request will first provide the facts regarding Ms. Martinez’ duties and responsibilities as a board member and ARCA Delegate and her daughter’s role as a respite worker for Choice Home Care.

A. Ms. Martinez’ Duties as Board Member

As a board member, Ms. Martinez regularly meets with other board members of NLACRC to create policy for the operation of the regional center. Policy is developed through recommendations from board committees and the Executive Director. Direct operation is delegated to the Executive Director who is hired by the board. Staff recommendations for policy initiation or modification go the Executive Director, who, in turn, refers them to the board and/or an appropriate board committee. A copy of the Board Member Responsibilities is attached as **Exhibit B**.

Ms. Martinez primary duties are as follows:

1. Attendance at monthly Board of Trustees meetings, usually held on the second Wednesday of each month at the main NLACRC office in Chatsworth at 6:30 p.m.
2. Membership and attendance on at least one (1) board committee.
3. Because the regional center is funded under contract with the State of California, Department of Developmental Services, each member of the Board of Trustees is required to identify any potential conflict of interest as identified in Welfare and Institutions Code Sections 4626 and 4627.
4. A part of a board member's responsibility is to be an informed and active advocate member of the Board of Trustees, she is expected to attend a board orientation and/or board training scheduled during the first year on the board and attend one annual board retreat.
5. Visitation to NLACRC supported programs is expected in order that board members may be informed about the developmental disabilities service system. Programs include a wide variety of residential and day programs as well as those providers who deliver a specific service (e.g. school setting or transportation).
6. Ms. Martinez participates on the Executive, Nominating and Strategic Planning committees.

Under the suggested Conflict Resolution Plan, Ms. Martinez will remain in her board position, but will be strictly regulated so that she has no role or involvement whatsoever with any matter that might conceivably impact Choice Home Care, or a vendor that provides ILS, Home Health (LVN and RN services, respite and personal assistance services).

B. Ms. Martinez's Duties as ARCA Delegate

The offices of ARCA delegate and ARCA alternate are established in Article V, Sections 10 and 11 of the bylaws of North Los Angeles County Regional Center. The ARCA delegate and ARCA alternate shall be members of the Board of Trustees and elected by the Board of Trustees. The terms of office shall be a minimum of 2 years with no limitations on the number of terms. The ARCA delegate or ARCA alternate shall report to the Executive Committee, as needed. A copy of the ARCA delegate Responsibilities is attached as Exhibit C.

The duties of the ARCA Delegate and ARCA Alternate include:

1. Willing to accept a leadership role in ARCA. The delegate board members play an essential role in ARCA and contribute to its policy direction.
2. Able to clearly articulate the center's position on statewide issues.

3. Able to work effectively in a large group and with individuals who may have differing opinions.
4. Able to explain complex issues to the board in the context of state and local concerns.
5. Willing to commit the time to fully participate in ARCA activities.

ARCA is an incorporated organization of the regional centers. Representatives to ARCA consist of one member from each board and the executive director of each regional center. ARCA meets regularly to address issues of common concern to the regional centers.

The ARCA delegate and ARCA alternate shall represent the corporation at ARCA meetings. The ARCA delegate and/or ARCA alternate shall report to the Board of Trustees regarding actions taken at the ARCA meetings and assure that the board votes, when possible, on any issues requiring such action.

C. Jessica Martinez's Duties at Choice Home Care

Choice Home Care is a service provider to NLACRC that provides the following services:

- In home respite services
- Personal assistance
- Independent Living Services (ILS)
- Home Health (Solely provides RN and LVN skilled nursing services for NLACRC at this time.)
 - RN and LVN
 - Certified Home Health Aides
 - Licensed Physical Therapist
 - Occupational Therapy
 - Speech Therapy
 - Medical Social Services
 - Dietitian

As a respite worker for Choice Home Care, Ms. Martinez provides respite services solely to her siblings who are NLACRC consumers. Ms. Martinez's responsibilities are as follows:

1. Review and understands Individual, Family and/or Home Provider Needs;
2. Provide individual receiving services with the supports necessary to meet their need;
- 3 Understand what to do in case of an emergency;
4. Under the direction of the Co-Founder, has a list of activities appropriate for each individual;
5. Attends in-service trainings and staff meetings;
6. Any other job-related duties as assigned by Co-Founders.

IV. Conflict Resolution Plan

The Regional Center and its Executive Director, Ruth Janka, have concluded that Ms. Martinez provides great value to the Board of NLACRC. After consideration of the totality of the circumstances and a careful review of the facts, the Executive Director believes it is in the best interests of the Regional Center to create and implement a Conflict Resolution Plan to eliminate any adverse consequences from this relationship and seek approval of this plan by DDS.

Initially, the first step in the Conflict Resolution Plan is to allow Ms. Martinez to remain in her position on the Board of Trustees and ARCA Delegate, but to cease any activity or action that might in any way impact Choice Home Care. This will eliminate any instance in which Ms. Martinez would have to vote, give her opinion, analyze, assess the performance of, or take action for or against Choice Home Care, and would eliminate any possible action by Ms. Martinez to recommend Choice Home Care or other similar available ILS, Home Health (RN and LVN services), respite and personal assistance vendors.

The second part of the plan is to insulate Ms. Martinez from any involvement whatsoever with the generic type of provider like Choice Home Care. She would recuse herself from participation in any vote regarding, drafting, planning, or discussion of rules, policies, or restrictions that would impact Choice Home Care and all other ILS, Home Health (LVN and RN services), respite and personal assistance vendors. Any duties that potentially relate to Choice Home Care or generic policies applicable to such a vendor represent a small portion of the valuable duties she performs on behalf of the Regional Center, and these duties can be easily delegated to other Regional Center board members. Like other board members, Ms. Martinez develops policy through recommendations from the Executive Director, and thus works with numerous vendors on a variety of services.

The third part of the plan is the development of an internal process that the Community Services department will notify the Chief Organizational Development Officer in the event that Choice Home Care begins to provide additional services under their Home Health vendorization. Those additional services include the following:

1. Certified Home Health Aides
2. Licensed Physical Therapist
3. Occupational Therapy
4. Speech Therapy
5. Medical Social Services
6. Dietitian

In the event that the above services are provided to NLACRC consumers, Ms. Martinez's Conflict Resolution Plan will include the service(s) that are provided and will comply with the plan as outlined below.

Further, as the Conflict Resolution Plan details below, when any matter arises with regard to Choice Home Care or other ILS, Home Health (RN and LVN services), respite and personal assistance vendors, she will agree not to be involved in the discussion of the matter, the presentation of options to the Board, or the decision or vote on such matter. NLACRC will require Ms. Martinez to abstain from discussion with, or involvement in the matter, and require the other board members to take all such actions, including appropriate description of options, recommendations, analysis and ultimate decision and vote.

The Regional Center and Ms. Martinez suggested Conflict Resolution Plan for this conflict of interest is as follows:

1. Ms. Martinez will have no interaction as a board member with any matter that might impact Choice Home Care, and specifically she will recuse herself from any vote on any matter that could impact Choice Home Care.
2. Ms. Martinez will, in every conceivable manner, cease interacting with the Board on any matter that could conceivably impact Choice Home Care.
3. Ms. Martinez will not participate as a board member in the consideration, preparation, review, presentation, formulation or approval of any report, plan, opinion, recommendation or action regarding Choice Home Care or any actions creating policy or approaches that would impact Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.
4. Ms. Martinez will not review or participate as a board member in any discussions, recommendations, or decisions about Purchase of Service (POS) authorizations for Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.
5. Ms. Martinez will not review or in any way participate as a board member in the preparation, consideration, or any follow-up related to Special Incident Reports from or about Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.

6. Ms. Martinez will not create, review, or in any way participate as a board member in, any corrective action plans for Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.

7. Ms. Martinez will not participate as a board member in any discussions, recommendations, action, or resolution of any complaints pertaining to Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.

8. Ms. Martinez will take no part as a board member in decisions regarding vendor appeals, or fair hearings involving Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.

9. Ms. Martinez will not as a board member access vendor files or other information the regional center maintains about Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors, either in electronic or hard copy form.

10. Ms. Martinez shall not participate as a board member in developing, creating, or recommending any POS policies, or other policies, that might apply to Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors. Instead, these tasks will become the responsibility of the other board members.

11. Ms. Martinez will not be involved as a board member in the negotiation, discussion, obligation or commitment of NLACRC to a course of action involving Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.

12. The NLACRC Board of Trustees will be informed about this Plan of Action, and they will be informed of the need to ensure that Ms. Martinez has no involvement whatsoever in any action or business whatsoever involving or affecting Choice Home Care and other ILS, Home Health (RN and LVN services), respite and personal assistance vendors.

13. These restrictions only apply to Choice Home Care and policies impacting other ILS, Home Health (RN and LVN services), respite and personal assistance vendors. The bulk of Ms. Martinez' duties with regard to a vast array of other Board issues and other vendors will remain unchanged, unless the Board work would in any way impact Choice Home Care. This amounts to a reassignment of a small portion of her duties and will not reduce the value and productivity that Ms. Martinez provides to the NLACRC Board.

14. In the event that Choice Home Care provides additional services under their Home Health vendorization, Ms. Martinez will comply with the requirements listed above as it relates to those service(s). The additional services include the following:

- a. Certified Home Health Aides
- b. Licensed Physical Therapist
- c. Occupational Therapy

- d. Speech Therapy
- e. Medical Social Services
- f. Dietitian

15. In the event the board member changes to a different respite agency during the course of her term, each provision of this plan shall apply to with regard to the new agency for the duration of the trustee's term on the board.

16. NLACRC has received approval from its Board of Trustees regarding this Conflict Resolution Plan.

V. Request Approval of Conflict Resolution Plan

For the reasons provided above, and in accordance with the Conflict Resolution Plan set forth above, North Los Angeles County Regional Center hereby requests that DDS approve the Conflict Resolution Plan in this matter.

Respectfully submitted,

By: 
Angelina Martinez (Jul 1, 2020 17:31 PDT)

Angelina Martinez, NLACRC Board Member

Date: Jul 1, 2020

By: 
Elena Burnett (Jul 1, 2020 19:11 PDT)

Elena Burnett, NLACRC Board President

Date: Jul 1, 2020

By: 
Ruth Janka (Jul 2, 2020 08:21 PDT)

Ruth Janka, Executive Director, NLACRC

Date: Jul 2, 2020

Reset Form**CONFLICT OF INTEREST REPORTING STATEMENT
DS 6016 (Rev. 08/2013)**

The duties and responsibilities of your position with the regional center require you to file this Conflict of Interest Reporting Statement. The purpose of this statement is to assist you, the regional center and the Department of Developmental Services (DDS) to identify any relationships, positions or circumstances involving you which may create a conflict of interest between your regional center duties and obligations, and any other financial interests and/or relationships that you may have. In order to be comprehensive, this reporting statement requires you to provide information with respect to your financial interests.

A "conflict of interest" generally exists if you have one or more personal, business, or financial interests, or relationships that would cause a reasonable person with knowledge of the relevant facts to question your impartiality with respect to your regional center duties. The specific circumstances and relationships which create a conflict of interest are set forth in the California Code of Regulations, title 17, sections 54500 through 54530. You should review these provisions to understand the specific financial interests and relationships that can create a conflict of interest.

Please answer the following questions to the best of your knowledge. If you find a question requires further explanation and/or there is not enough space to thoroughly answer the question, please attach as many additional sheets as necessary, and refer to the question number next to your answer. If the regional center identifies a conflict involving you, it will be required to prepare a conflict resolution plan. Some relevant definitions have been provided in the footnotes to assist you in responding to this statement.

You are required to file this Reporting Statement within 30 days of beginning your employment with the regional center or from the date that you are appointed to the regional center board or advisory committee board. You are then required to file an annual Reporting Statement by August 1st of every year while you remain employed with the regional center or while you are a member of the regional center board or advisory committee board. You must also file a Reporting Statement within 30 days of any change in your status that could result in a conflict of interest. Circumstances that can constitute a change in your status that can require you to file an updated Reporting Statement are described below in footnote one.

A. INFORMATION OF REPORTING INDIVIDUAL

Name: Angelina G. Martinez Regional Center: NLACRC

Regional Center Position/Title: ☒ Governing Board Member ☐ Executive Director
☐ Vendor Advisory Committee sitting on Board ☐ Employee
☐ Contractor ☐ Agent ☐ Consultant

Reporting Status: ☐ Annual ☐ New Appointment (date): _____
☒ Change of Status¹

If a change in status, date and circumstance of change in status:

As of October 2019, my daughter Jessica Martinez has provided respite for my children due to COVID 19 situation.

1. Please list your job title and describe your job duties at the regional center.

-Member, Board of Trustees

¹ Change of status includes a previously unreported activity that should have been reported, change in the circumstance of a previously reported activity, change in financial interest, familial relationship, legal commitment, change in regional center position or duties, change in regional center, or change to outside position or duties. See California Code of Regulations, title 17, sections 54531(d) and 54532(d).

<input checked="" type="checkbox"/> Governing Board Member
<input type="checkbox"/> Vendor Advisory on Board
<input type="checkbox"/> Executive Director
<input type="checkbox"/> Employee/Other

2. Do you or a family member² work for any entity or organization that is a regional center provider or contractor?
☒ yes ☐ no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers. If the provider or contractor is a state or local governmental entity, provide the specific name of the state or local governmental entity and describe your job duties at the state or local governmental entity.

My daughter Jessica Martinez is a caregiver at Choice Home Care.

3. Do you or a family member own or hold a position³ in an entity or organization that is a regional center provider or contractor? ☒ yes ☐ no -- If yes, provide the name of the entity or organization, describe what services it provides for the regional center or regional center consumers, and describe your or your family member's financial interest.

See answer for #2 above.

4. Are you a regional center advisory committee board member? ☐ yes ☒ no -- If yes, are you a member of the governing board or owner or employee of an entity or organization that provides services to the regional center or regional center consumers? ☐ yes ☐ no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers.

5. If you are a regional center advisory committee board member and answered yes to all the questions in Question 4 above, do any of the following apply to you: (a) are you an officer of the regional center board; (b) do you vote on purchasing services from a regional center provider; or (c) do you vote on matters where you might have a financial interest? ☐ yes ☒ no -- If yes, please explain.

² Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, parent-in-laws, brother-in-laws, sister-in-laws, son-in-laws and daughter-in-laws. See California Code of Regulations, title 17, sections 54505(f).

³ For purposes of this question, hold a position generally means that you or a family member is a director, officer, owner, partner, employee, or shareholder of an entity or organization that is a regional center provider or contractor. For a specific description of positions that create a conflict of interest in a regional center provider or contractor see the California Code of Regulations, title 17, sections 54520 and 54526.

<input checked="" type="checkbox"/> Governing Board Member
<input type="checkbox"/> Vendor Advisory on Board
<input type="checkbox"/> Executive Director
<input type="checkbox"/> Employee/Other

6. Do any of the decisions you make when performing your job duties with the regional center have the potential to financially benefit you or a family member⁴? [Note: Governing board members do not have to answer "yes" to this question if the financial benefit would be available to regional center consumers or their families generally].
☐ yes ☒ no -- If yes, please explain.

7. Are you responsible for negotiating, making,⁵ executing or approving contracts on behalf of the regional center? ☒ yes ☐ no -- If yes, please explain.

As a board member, I participate in the approval process of contracts.

8. Do you have a financial interest in any contract⁶ with the regional center? ☐ yes ☒ no -- If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☐ no -- If yes, please explain.

9. Do any of your family members have a financial interest in any contract with the regional center? ☒ yes ☐ no
 If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☒ no
 If yes, please explain.

See answer for #2.

⁴ Generally, a decision can financially benefit you or a family member if the decision can either directly or indirectly cause you or a family member to receive a financial gain or avoid a financial loss. For a specific description of the types of decisions that can result in a financial benefit to you or a family member see the California Code of Regulations, title 17, sections 54522 and 54527.

⁵ California Code of Regulations, title 17, sections 54523(b)(2) and 54528(b)(2) describes the types of conduct which constitute involvement in the making of a contract.

⁶ For purposes of questions 8 and 9, a financial interest in a contract generally means any direct or indirect interest in a contract that can cause you or a family member to receive any sort of financial gain or avoid any sort of financial loss irrespective of the dollar amount. California Code of Regulations, title 17, sections 54523 and 54528 define when financial interests in a contract will occur.

- ☒ Governing Board Member
- ☐ Vendor Advisory on Board
- ☐ Executive Director
- ☐ Employee/Other

10. Do you evaluate employment applications or contract bids that are submitted by your family member(s)?
☐ yes ☒ no -- If yes, please explain.

11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? ☐ yes ☒ no -- If yes, please explain.

B. ATTESTATION

I Angellina G. Martinez (print name) HEREBY CONFIRM that I have read and understand the regional center's Conflict of Interest Policy and that my responses to the questions in this Conflict of Interest Reporting Statement are complete, true, and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this statement is not accurate or that I have not complied with the regional center's Conflict of Interest Policy or the applicable conflict of interest laws, I will notify the regional center's designated individual immediately. I understand that knowingly providing false information on this Conflict of Interest Reporting Statement shall subject me to a civil penalty in an amount up to fifty thousand dollars (\$50,000) pursuant to Welfare and Institutions Code section 4626.

Signature  Date 06/09/2020

INTERNAL USE ONLY

Date this Statement was received by Reviewer:

The reporting individual ☐ does ☐ does not have a ☐ present ☐ potential conflict of interest

Signature of Designated Reviewer

Date Review Completed

ES

**North Los Angeles County Regional Center
Board of Trustees Policy**

Board Member Responsibilities

The role of the Board of Trustees of the North Los Angeles County Regional Center (NLACRC) is to make policy for the operation of the regional center. Policy is developed through recommendations from board committees and the executive director; direct operation is delegated to the executive director who is hired by the board. Staff recommendations for policy initiation or modification go to the executive director who, in turn, refers them to the board and/or an appropriate board committee.

Your responsibility as a member of the Board of Trustees of the NLACRC would include, but not be limited to:

- Attendance at monthly Board of Trustees meetings, usually held on the second Wednesday of each month at the main NLACRC office in Van Nuys at 6:30 p.m.
- Membership and attendance on at least one (1) board committee.
- Because the regional center is funded under contract with the State of California, Department of Developmental Services, each member of the Board of Trustees is required to identify any potential conflict of interest as identified in Welfare and Institutions Code, Sections 4626 and 4627.
- As part of a board member's responsibility to be an informed and active advocate member of the Board of Trustees, it is expected to attend a board orientation and/or board training scheduled during the first year on the board and attend one annual board retreat.
- Visitation to NLACRC supported programs is expected in order that board members may be informed about the developmental disabilities service system. Programs include a wide variety of residential and day programs as well as those providers who deliver a specific service (e.g. school setting or transportation).

[policy.bd.bdmbr.resps] Adopted 01-13-93

**North Los Angeles County Regional Center
Board of Trustees Policy Statement**

**Association of Regional Center Agencies (ARCA)
Delegate and Alternate**

The offices of ARCA delegate and ARCA alternate are established in Article V, Sections 10 and 11 of the bylaws of North Los Angeles County Regional Center. The ARCA delegate and ARCA alternate shall be members of the Board of Trustees and elected by the Board of Trustees. The terms of office shall be a minimum of 2 years with no limitations on the number of terms. The ARCA delegate or ARCA alternate shall report to the Executive Committee, as needed.

The duties of the ARCA Delegate and ARCA Alternate include:

1. Willing to accept a leadership role in ARCA. The delegate board members play an essential role in ARCA and contribute to its policy direction.
2. Able to clearly articulate the center's position on statewide issues.
3. Able to work effectively in a large group and with individuals who may have differing opinions.
4. Able to explain complex issues to the board in the context of state and local concerns.
5. Willing to commit the time to fully participate in ARCA activities.

ARCA is an incorporated organization of the regional centers. Representatives to ARCA consist of one member from each board and the executive director of each regional center. ARCA meets regularly to address issues of common concern to the regional centers.

The ARCA delegate and ARCA alternate shall represent the corporation at ARCA meetings. The ARCA delegate and/or ARCA alternate shall report to the Board of Trustees regarding actions taken at the ARCA meetings and assure that the board votes, when possible, on any issues requiring such action.

AUGUST 11, 2020

**AGENDA ITEM 11
INFORMATION ITEM**

**EXECUTIVE COMMITTEE
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

NEXT MEETING DATE AND ADJOURNMENT

The Executive Committee's next meeting is scheduled for October 20, 2020.